

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMON SAPP,
Petitioner,
v.
J. SOTO, Acting Warden,
Respondent.

Case No. [13-cv-03008-YGR](#) (PR)

**ORDER DENYING PETITIONER'S
MOTION UNDER FEDERAL RULE OF
CIVIL PROCEDURE 60(B)**

The Court previously granted Respondent's motion to dismiss Petitioner's habeas petition as untimely and declined to issue a certificate of appealability. Dkt. 17. Petitioner filed a notice of appeal, but the Ninth Circuit denied his request for a certificate of appealability, effectively terminating his appeal and concluding this action. Dkt. 22. Thereafter, Petitioner filed his "Motion for Relief from Order Granting Respondent's Motion to Dismiss Petition as Untimely; and Denying Certificate of Appealability, Pursuant to Federal Rules of Civil Procedure, Rule 60(b)(1)-(6)," which the Court construes as a motion for reconsideration under Federal Rule of Civil Procedure 60(b). Dkt. 23. However, in view of the Ninth Circuit's decision not to issue a certificate of appealability, no further action is appropriate. To the extent Petitioner's motion attempts to raise new grounds for habeas relief, it is tantamount to an unauthorized second or successive habeas petition over which this Court lacks jurisdiction. Accordingly, Petitioner's Rule 60(b) motion is DENIED.

This Order terminates Docket No. 23.

IT IS SO ORDERED.

Dated: September 6, 2016


YVONNE GONZALEZ ROGERS
United States District Judge